



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

JRE
Docket No: 7488-99
7 November 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 2 November 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board noted that in order for a service member to qualify for disability separation or retirement, he must be unfit to perform the duties of his office, grade, rank or rating by reason of physical disability. The Board was not persuaded that you were suffering from a major mental disorder on 31 July 1985, when you were discharged by reason of your conscientious objection to military service, or that you were otherwise unfit for duty at that time. It noted that you had received psychiatric clearance for discharge, and that your performance of duty as reflected in your evaluation report for the 1 December 1984-31 July 1985 period was noteworthy in a positive sense. Your reporting senior indicated that the approval of your request for separation "...terminates an otherwise successful and promising career." There is no indication in the report that you were suffering from any condition which adversely affected your ability to perform your duties.

In view of the foregoing, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director